

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In Re: Daniel Schneider,
Debtor.

V2R, LLC, and SPECIAL SITUATIONS
FUND, IV, LLC,

Plaintiffs,

vs.

DANIEL SCHNEIDER,

Defendant.

Chapter 7
Case No. 05-23382-JNF

Adversary Case No. 06-01090

**CREDITORS' MOTION TO DISMISS COUNTERCLAIM
AND INCORPORATED MEMORANDUM OF LAW**

Creditors, V2R, LLC, and SPECIAL SITUATIONS FUND, IV, LLC (collectively referred to as the "Creditors"), by and through their undersigned attorneys, file this Motion to Dismiss and Incorporated Memorandum of Law. For the following reasons, the Court must dismiss the Counterclaim as to the Creditors pursuant to Federal Rule of Bankruptcy Procedure 7012, incorporating Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim upon which relief can be granted.

INTRODUCTION

1. On or about October 12, 2006, Debtor commenced this Chapter 7 proceeding.
2. On or about February 3, 2006, Creditors timely filed this adversary action objecting to the discharge of Debtor's debt pursuant to 11 U.S.C. §523. In this adversary action the Creditors seek to have this Court enter an Order determining that the debt owed by the

06/27/2006 There being no objections and for the reasons stated in the Motion, the Motion is granted.

John M. Fanning